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8 Attorneys for the Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND BRANCH

12 UNITED STATES OF AMERICA, )  
13 )  
14 Plaintiff, ) No. CR-07-00409-SBA  
15 v. ) STIPULATION AND [PROPOSED] ORDER  
TO VACATE TRIAL DATE  
16 ) AND SET FOR STATUS HEARING  
17 )  
JOEL SANCHEZ, and )  
18 )  
ALFREDO SANCHEZ, )  
19 )  
Defendants. )

20 It is hereby stipulated, by and between the parties that the jury trial currently set for  
21 March 10, 2008 be vacated and that the matter be set for a status hearing on April 1, 2008 at 9:00  
22 a.m., or to a new date and time thereafter convenient to this Court.

23 It is also stipulated that the period from February 20, 2008 to April 1, 2008, shall be  
24 excluded from the calculation of time in which the trial of the above captioned matter must  
25 commence pursuant to the Speedy Trial Act, Title 18 U.S.C. Section 3161(c). The parties  
26 stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the

1 interests of justice served by granting a continuance.

2 Such continuance is required because the government has received additional evidence  
3 which necessitates that the indictment be superseded. The government intends to supersede the  
4 indictment the week of March 10, 2008. This continuance will allow the reasonable time  
5 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
6 Sections 3161(h)(8)(A) and (B)(iv).

7 As such, the parties respectfully request that the trial date of March 10, 2008 be vacated  
8 and the matter be continued to March 25, 2008 at 9:00 a.m. for a status hearing.

9  
10 DATED: March 4, 2008

Respectfully submitted,

11  
12 /s/  
KIMBERLY M. BRIGGS  
Assistant United States Attorney

13  
14 DATED: March 4, 2008

/s/  
EDWARD G. DUREE  
Attorney for Joel Sanchez

15  
16 DATED: March 4, 2008

/s/  
ROBERT L. FORKNER  
Attorney for Alfredo Sanchez

17  
18 Based on the reason provided in the stipulation of the parties above, the Court hereby  
19 FINDS that for adequate preparation of the case by all parties - specifically, to allow the  
20 government to supersede the indictment - pursuant to 18 U.S.C. Sections 3161(h)(8)(A) and  
21 (B)(iv) an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT  
22 IS HEREBY ORDERED THAT the jury trial currently scheduled for March 10, 2008 at 8:30  
23 a.m. shall be vacated, and the matter shall be continued for a status hearing to April 1, 2008 at  
24 9:00 a.m.

25 **IT IS SO ORDERED.**

26 DATED:

SAUNDRA BROWN ARMSTRONG  
United States District Judge